

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 78815

Emily Diccio  
Robert Diccio  
405 Central Avenue  
Towson MD 21204

7110 Heathfield Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 21, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115, 310, 312; 13-4-201; 35-2-404; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to repair/replace deteriorated front porch steps, failure to install missing fascia board and gutter on rear of house, failure to remove all junk and debris, failure to store garbage in containers with tight fitting lids on residential property known as 7110 Heathfield Road, 21212.

On June 28, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 2, 2010 for removal of trash and debris, store garbage in cans with tight lids, cut and remove tall grass and weeds, repair and replace missing fascia board on rear of house, install missing gutter on rear of house, repair front porch stairs. This Citation was issued on June 28, 2010.

B. Photographs in the file show a brick row house that needs repairs. Photographs show the roof is damaged with a fascia board missing along the edge, and no rain gutter. Photographs show the concrete front stairs are damaged, with large holes in the steps. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including maintaining the roof and gutters properly to protect this house and adjoining houses from improper water drainage. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). The Building Engineer is permitted by law to require an owner to maintain, replace or repair “[a]n exterior architectural feature that creates or allows the creation of a hazardous or unsafe condition.” BCC 35-2-404. The broken front steps are hazardous and must be repaired. Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

C. Photographs in the file show junk and debris in the yard including a bed frame in the front yard, and wood debris in the rear. Photographs also show garbage is not being stored in cans with tight fitting lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

D. Court records show this property is the subject of foreclosure proceedings, but do not indicate any change in ownership or possession. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if all violations are corrected by August 23, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26<sup>th</sup> day of July 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer